

**VILLAGE OF COLD SPRING ZONING BOARD OF APPEALS**  
**85 MAIN STREET, COLD SPRING NEW YORK 10516**  
**PHONE (845) 265-3611**  
**Public hearing**

November 19, 2009

**Present:** Chairman; Donald Mac Donald   **Members:** Gregory Gunder, Elliott Hammond, Edward Murphy & Richard Turner

**Public Hearing**

**1. Atlas LLC. , 144 Main St.**

The meeting opened at about 8:30 pm.

Present for the Applicant: James Hartford, River Architects, Ray Memmel, Contractor and Mrs. Ailes

Mrs. Ailes presented the board with a picture of what the building originally looked like. The applicant is proposing to restore the building similar to the picture. The picture was passed around for public view. The applicant noted that at the last Village Board meeting resolution #'s 44 and 45 were approved, which is the purchase of the stoop and the drainage lines in front of 144 Main St. The applicant stated she will be moving propane tanks outside the firehouse and already has permission to do so due to the location of the propane tanks being too close to her building.

The zoning issues before the board are the following:

- The proposed portico is larger in size than what is allowed
- The covered porch being proposed for the back of the property

D. Mac Donald asked if there were any public comments on the front porch. Howard Broad 142 Main St. stated he had been very supportive of the portico.

The Chariman asked if Board members had any questions or comments E. Hammond stated he liked the idea of the building being restored and appreciated someone doing something nice to it.

The board reviewed the 5 questions to determine whether a variance should be granted. After discussing and reviewing the 5 questions, The Chairman asked the Board members if they would take a straw vote. D Mac Donald explained to the applicant and the public how the straw vote works and explained that he will write a formal decision which will be read and voted on at the next meeting.

The whole project had not been referred to the Village of Cold Spring Planning due to a lack of understanding of the proposal the project was not referred to Putnam County Division of Planning for the same reason. Mrs. Ailes explained why they decided to stay on Main St with the Putnam County News and Recorder and expressed her disappointment in the procedure of going before the Boards. The Board members explained to Mrs. Ailes that the process has been expedited as quickly as they could. D. Mac Donald explained that the paper has been around for

a long time and operated just fine. Mrs. Ailes stated the application is not about the paper but about improving real estate.

D. Mac Donald read the letter from the Village of Cold Spring Planning Board regarding the portico. Mrs. Ailes presented the Board with a letter from the Mayor regarding the sale of the stoop which was discussed at the last Village Board of Trustees meeting acknowledging the sale of the stoop and the drainage. D. Mac Donald noted that a 239m will be mailed out to the County. Joe Immorlica acknowledged that resolution 44 gives the mayor the right to do what he wants to with the property.

R Turner moved to take a straw vote on the porch. G. Gunder seconded the motion it was approve 5-0.

The second part of the application is for an elevator shaft and back porch. a portion of the deck will be removed on the second floor for the elevator shaft. D. Mac Donald asked the neighbors if they understood the project.

D. Mac Donald noted that the project will require side yard setbacks.

The applicant noted that the second story of the building will be used for special use (such as the possibility of someone needing to stay overnight), light storage and access to the portico porch.

The elevator will accommodate one person in a wheel chair or two people standing. James Hartford stated that there are allowances for elevators.

Mr. Hartford explained the elevator will be inside the building but the shaft will be exposed on the outside. R. Turner asked if it was possible that in the future the second floor would be used as an apartment. Mrs. Ailes answered it does not meet code but it is zoned for an apartment.

Mr. Hartford discussed parking for the building. He stated they are grandfathered in for all parking spaces needed. D. Mac Donald explained how the amount of parking spaces are figured. It was determined that 6 spaces were grandfathered in. D. Mac Donald explained how the use changed and the parking remained the same. But the proposed extension to the back of the property would require 2 more parking spaces. D. Mac Donald explained that a variance would be needed for the extra 2 spaces due to the extension. Mr. Hartford explained that the applicant is currently leasing 3 spaces so therefore they are not requesting a variance for parking. The Board members and Mr. Hartford discussed the least spaces. The Board members discussed the building as being a club which goes by the number of seats for the required parking. The applicant and Board members noted that the footprint of the building had not changed.

Mr. Howard Broad, 142 Main St. presented copies of blue prints from his building and photos of the deck at 144 Main St. and explained the elevator shaft's location referring to the pictures of the deck at 144 Main St. Mr. Broad explained that any extension will go to lot-line and the eve will go over his property Mr. Winfried Dohle explained the photo also. Mr. Broad explained how other neighbor's property will encroach his property. Mr. Broad stated it is up to the line, the

elevator shaft is ugly. D. Mac Donald restated his concern to make sure he understood what Mr. Broad was explaining. Mr. Broad, 142 Main St. explained that his building is part business and part residential. R. Turner explained that because the building is in the B-1 zone that things can change. Mr. Broad, 142 Main St. explained that a deck in the back of the property at 144 Main St. previously had been made larger than it should have been. Mrs. Ailes stated she had a letter from the previous building inspector stating that there were no violations when she purchased the building. Mr. Dohle, 142 Main St asked why the other side of the building was not proposed for the elevator shaft. Mr. Memmel noted that the bathroom is on that side and would have to be moved. Mr. Memmel noted that the elevator shaft should give them more of a view due to the porch and roof being shortened. D. Mac Donald asked if Mr. Dohle and Mr. Broad had any remarks about the addition. Mr. Broad, 142 Main St. answered that they would feel boxed in and invited the Board members to visit the site. D. Mac Donald scheduled a site visit for the Board to review for Wednesday 10:30 am Wednesday November 25, 2009.

The applicant presented the Board with the return request receipts.

The project will be referred to the Village of Cold Spring Planning Board and a 239m request to the Putnam County Division of Planning will be mailed out also. The continued public hearing will be held on December 7 2009 at 7:00 pm.

### **Decisions:**

#### **1. John and Sandra Falloon, 9 Pine St.**

The Chairman read the proposal for the application for a porch to approve the variance. The Board voted unanimously to approve the variance.

#### **2. Ari & Molly Straus, #2 Northern Gate Lane.**

The Chairman read the proposal for the application for an extension and porch on top of flat roof garage. The Board voted unanimously on the application for the variance.

The meeting adjourned at 10:07 pm.

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Donald Mac Donald, ZBA Chairman

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Date